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9 Attorneys for Defendant/Counterclaimant, **DIGITAL GADGETS, LLC**

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11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 Interworks Unlimited, Inc., a  
14 California corporation,

15 Plaintiff,

16 v.

17 Digital Gadgets, LLC., a New Jersey  
18 limited liability company,

19 Defendant.

20 Digital Gadgets, LLC, a New Jersey  
21 limited liability company,

22 Counterclaimant,

23 v.

24 Interworks Unlimited, Inc., a  
California corporation,

25 Counter-defendant.  
26  
27  
28

Case No. **2:17-cv-4983 TJH (KSx)**

**DECLARATION OF HARLAN M.  
LAZARUS IN SUPPORT OF  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

Date: January 7, 2019  
Time: Under Submission  
Courtroom: 9B

- 1 1. I am counsel for Defendant in this matter and have personal knowledge of the facts  
2 set forth herein.
- 3 2. Attached herewith as Exhibit 1 is a true and correct copy of a Certified UCC  
4 Search which my law firm obtained from the Secretaries of State for California and  
5 New York.
- 6 3. Attached herewith as Exhibit 2 is a true and correct copy of the Master Purchase  
7 and Sale Agreement between Bibby Financial Services, Inc. and Interworks  
8 Unlimited, Inc. which was produced in discovery in this case.
- 9 4. Attached herewith as Exhibit 3 is a true and correct copy of the Bibby Financial  
10 Services, Inc., UCC Financing Statement and Amendments which was produced in  
11 discovery in this case.
- 12 5. Attached herewith as Exhibit 4 is a true and correct copy of the Agreement for the  
13 Purchase and Sale of Future Receipts between Cash Capital Group, LLC and  
14 Interworks Unlimited, Inc. which was produced in discovery in this case.
- 15 6. Attached herewith as Exhibit 5 is a true and correct copy of the Cash Capital  
16 Group, LLC Financing Statement and Termination Statement which was produced  
17 in discovery in this case.
- 18 7. Attached herewith as Exhibit 6 is a true and correct copy of the Letter to Digital  
19 Gadgets, LLC from Cash Capital Group, LLC's attorney Rubin Law Firm which  
20 was produced in discovery in this case.
- 21 8. Attached herewith as Exhibit 7 is a true and correct copy of the Deposition  
22 Transcript of Eric Lu in this case.
- 23 9. Attached herewith as Exhibit 8 is a true and correct copy of email correspondences  
24 between Defendant and Plaintiff which was produced in discovery in this case.
- 25 10. Attached herewith as Exhibit 9 is a true and correct copy of correspondence from  
26 QVC, Inc. to Defendant, June 1, 2017 which was produced in discovery in this  
27 case.
- 28 11. Attached herewith as Exhibit 10 is a true and correct copy of the Deposition

1 transcript of Charles Tebele, authorized representative of Defendant which was  
2 produced in discovery in this case.

3 12. Attached herewith as Exhibit 11 is a true and correct copy of T34764 QVC, Inc.  
4 Quality Assurance Report which was produced in discovery in this case.

5 13. Attached herewith as Exhibit 12 is a true and correct copy of Email  
6 correspondence from Eric Lu to Chris Mitchell May 10, 2017 which was produced  
7 in discovery in this case.

8 14. Attached herewith as Exhibit 13 is a true and correct copy of Email  
9 correspondence from Chris Mitchell to Eric Lu, May 15, 2017 which was produced  
10 in discovery in this case.

11 15. Attached herewith as Exhibit 14 is a true and correct copy of Email  
12 correspondence between Plaintiff and Defendant, dated June 7, 2017 which was  
13 produced in discovery in this case.

14 16. Attached herewith as Exhibit 15 is a true and correct copy of Email  
15 correspondence between QVC and Defendant, dated June 30, 2017 which was  
16 produced in discovery in this case.

17 17. Attached herewith as Exhibit 16 is a true and correct copy of Deposition Transcript  
18 of Meghan Kane, Account Manager for Performance Marketing of QVC, with  
19 redacted pursuant to a protective order issued by the United States District Court  
20 for the Eastern District of Pennsylvania.

21 18. Attached herewith as Exhibit 17 is a true and correct copy of Email  
22 correspondence between Plaintiff and Defendant, dated March 1, 2017 which was  
23 produced in discovery in this case.

24 19. Attached herewith as Exhibit 18 is a true and correct copy of Spreadsheet produced  
25 by QVC showing sales of hoverboards, redacted pursuant to a protective order  
26 issued by the United States District Court for the Eastern District of Pennsylvania  
27 which was produced in discovery in this case.

28 20. Attached herewith as Exhibit 19 is a true and correct copy of First T35011 QVC

1 Quality Assurance Report which was produced in discovery in this case.

2 21. Attached herewith as Exhibit 20 is a true and correct copy of Second T35011

3 QVC Quality Assurance Report which was produced in discovery in this case.

4 22. Attached herewith as Exhibit 21 is a true and correct copy of Email

5 Correspondence between Defendant and Plaintiff which was produced in discovery  
6 in this case.

7 23. Attached herewith as Exhibit 22 is a true and correct copy of First Order Bill of

8 Lading which was produced in discovery in this case.

9 24. Attached herewith as Exhibit 23 is a true and correct copy of Second Order

10 Purchase Order which was produced in discovery in this case.

11 25. Attached herewith as Exhibit 24 is a true and correct copy of Second Order Bill of

12 Lading which was produced in discovery in this case.

13 26. Attached herewith as Exhibit 25 is a true and correct copy of a protective order

14 approved by the United States District Court for the Eastern District of

15 Pennsylvania.

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18 Dated: December 10, 2018

LAZARUS AND LAZARUS, P.C.

19 By: /s/ Harlan M. Lazarus

20 HARLAN M. LAZARUS, ESQ.

21 Attorneys for Defendant/Counter-  
22 claimant, **DIGITAL GADGETS, LLC**  
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